

ROTHENBERG & CAMPBELL

Ryan P. Campbell, Esq. (#317838)

Dave W. Rothenberg, Esq. (#326483)

345 Wyoming Avenue, Suite 210

Scranton, Pennsylvania 18503

Phone: 570.207.2889 || Fax: 570.207.3991

E-mail: Hrlaw04@gmail.com || Hrlaw06@gmail.com*Attorneys for the Defendants*

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

PHILIP GODLEWSKI,

PLAINTIFF,

v.

**EDUARDO NICOLAS ALVEAR
GONZALEZ, *aka* ALVEAR GONZALEZ
EDUARDO NICOLAS, *aka*
NICOLAS ALVEAR; AND
GOOD LION TV, LLC,**

DEFENDANTS

**CIVIL ACTION—LAW
(*HON. JOSEPH F. SAPORITO, JR.*)**

JURY TRIAL DEMANDED

No.: 3:24—CV—00344—JFS

**MOTION FOR LEAVE TO PERMIT PARTIES' REMOTE PARTICIPATION AT
ORAL ARGUMENT *via* ADVANCED COMMUNICATIONS TECHNOLOGY**

AND NOW COMES Defendant, Eduardo Nicolas Alvear Gonzalez, *aka* Alvear Gonzalez Eduardo Nicolas, *aka* Nicolas Alvear, by and through his counsel, Rothenberg & Campbell, who hereby moves for this Honorable Court to permit the parties' remote participation *via* advanced communications technology ("ACT") during oral argument on the Second Motion to Dismiss Plaintiff's First Amended Complaint (ECF Doc. No. 26), scheduled for January 15, 2025 at 2:00 p.m., averring as follows:

1. On April 25, 2024, Plaintiff filed his First Amended Complaint in the instant matter wherein he attaches several exhibits purportedly showing the volume of wrongful conduct on behalf of Defendants. (See ECF Doc. No. 22, *generally*).

2. On May 10, 2024, Defendants, through undersigned counsel, timely filed their second Motion to Dismiss Plaintiff's First Amended Complaint, in whole or in part, and, if granted in part, Motion to Dismiss Remaining Claims for Lack of Jurisdiction and a Brief in Support thereof (the "Motion to Dismiss"). (See ECF Doc. Nos. 26 and 27).

3. Defendants' Motion to Dismiss seeks dismissal of all or part of Plaintiff's First Amended Complaint for failure to state claims upon which relief can be granted pursuant to Fed. R. Civ. P. 12(b)(6) based on the ostensibly wrongful publications of 110 statements by Defendants and purported causes of injury to Plaintiff. (See ECF Doc. No. 26-1).

4. Additionally, should dismissal of less than all claims contained in Plaintiff's First Amended Complaint occur, Defendants seek dismissal of any remaining claims for lack of subject matter jurisdiction pursuant to Fed. R. Civ. P. 12(b)(1). (See ECF Doc. No. 27).

5. All briefs and submissions related to the Motion to Dismiss have been filed by all parties pursuant to Local Rules 7.6 and 7.7. (See ECF Doc. Nos. 28—30, 33 and 34).

6. On December 11, 2024, this Honorable Court, having recently been assigned the above-captioned matter, issued an Order granting Defendants' Motion for Leave to Schedule Oral Argument on their Motion to Dismiss Plaintiff's First Amended Complaint pursuant to Local Rule 7.9, scheduling oral argument for January 15, 2025 at 2:00 p.m. in the Max Rosenn United States Courthouse in Wilkes-Barre, PA. (See ECF Doc. No. 36).

7. Defendant, Nick Alvear, resides in Nashville, TN and is unable to travel to the oral argument, but desires to participate therein by viewing same remotely *via* ACT.

8. Defendant has no intention of publicizing or otherwise recording any portion of the oral argument; he intends only to observe the argument remotely from his Nashville home.

9. Defendant respectfully requests that this Honorable Court permit the digital broadcast of the oral argument through ACT.

10. Undersigned counsel has communicated with Plaintiff's counsel regarding the instant motion and represents that Plaintiff's counsel concurs in the relief requested.

11. Alternatively, if the court is unable to arrange for remote access to the oral argument *via* ACT, counsel for the Defendant is willing to arrange for the parties, only, to observe the oral argument *via* Zoom® teleconferencing platform.

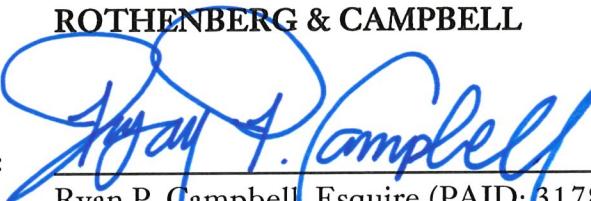
12. For all the reasons cited above, Defendants respectfully request this Honorable Court issue an Order permitting the parties' remote participation at oral argument *via* ACT.

WHEREFORE, Defendant, Eduardo Nicolas Alvear Gonzalez, *aka* Alvear Gonzalez Eduardo Nicolas, *aka* Nicolas Alvear, by and through his counsel, Rothenberg & Campbell, respectfully moves for this Honorable Court to issue an Order **GRANTING** his motion and permitting the parties' remote participation at the January 15, 2025 oral argument *via* ACT, not to be otherwise publicized or recorded for any purpose.

Respectfully Submitted,

ROTHENBERG & CAMPBELL

By:


Ryan P. Campbell, Esquire (PAID: 317838)
345 Wyoming Ave., Ste. 210
Scranton, PA 18503
p. 570.207.2889 || e. HRLaw04@gmail.com
ATTORNEYS FOR DEFENDANTS

Date: December 12, 2024

ROTHENBERG & CAMPBELL

Ryan P. Campbell, Esq. (#317838)
Dave W. Rothenberg, Esq. (#326483)
345 Wyoming Avenue, Suite 210
Scranton, Pennsylvania 18503
Phone: 570.207.2889 || Fax: 570.207.3991
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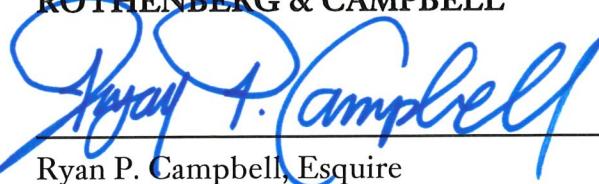
CERTIFICATE OF CONCURRENCE

I, RYAN P. CAMPBELL, ESQUIRE, ON BEHALF OF DEFENDANTS, DO HEREBY CERTIFY THAT I SOUGHT CONCURRENCE IN DEFENDANTS' MOTION FOR LEAVE TO PERMIT REMOTE PARTICIPATION AT ORAL ARGUMENT *VIA* E-MAIL ON DECEMBER 12, 2024 TO PLAINTIFF'S COUNSEL, TIMOTHY BOWERS, ESQ., WHO, CONCURS IN THE RELIEF REQUESTED ON BEHALF OF PLAINTIFF, SO LONG AS PLAINTIFF MAY ALSO PARTICIPATE REMOTELY *VIA* ACT.

Respectfully submitted,

ROTHENBERG & CAMPBELL

By:


Ryan P. Campbell, Esquire
ATTORNEY FOR DEFENDANTS

Date: December 12, 2024

ROTHENBERG & CAMPBELL
 Ryan P. Campbell, Esq. (#317838)
 Dave W. Rothenberg, Esq. (#326483)
 345 Wyoming Avenue, Suite 210
 Scranton, Pennsylvania 18503
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CIVIL ACTION—LAW
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DEFENDANTS

JURY TRIAL DEMANDED

No.: 3:24-CV-00344-JFS

CERTIFICATE OF SERVICE

I, RYAN P. CAMPBELL, ESQUIRE, ON BEHALF OF DEFENDANTS, HEREBY CERTIFY THAT I SENT A TRUE AND CORRECT COPY OF DEFENDANTS' MOTION TO PERMIT REMOTE PARTICIPATION *VIA* ACT IN THE ABOVE-CAPTIONED CASE ON THIS **12TH DAY OF DECEMBER, 2024** TO THE BELOW NAMED INDIVIDUALS *VIA* ECF AND E-MAIL, ADDRESSED AS FOLLOWS:

Timothy M. Kolman, Esq.
 e. tkolman@kolmanlaw.com

Timothy Bowers, Esq.
 e. tbowers@kolmanlaw.com

ATTORNEYS FOR PLAINTIFF

Respectfully submitted,

ROTHENBERG & CAMPBELL

By:


 Ryan P. Campbell, Esquire
ATTORNEY FOR DEFENDANTS

Date: December 12, 2024

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

PHILIP GODLEWSKI, PLAINTIFF, v. EDUARDO NICOLAS ALVEAR GONZALEZ, AKA ALVEAR GONZALEZ EDUARDO NICOLAS, AKA NICOLAS ALVEAR; AND GOOD LION TV, LLC, DEFENDANTS	CIVIL ACTION—LAW (HON. JOSEPH F. SAPORITO, JR.) JURY TRIAL DEMANDED No.: 3:24-CV-00344-JFS
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ORDER

AND NOW, this ____ day of _____, 2024, upon consideration of Defendants' Motion for Leave to Permit Parties' Remote Participation at Oral Argument *via* ACT, which is uncontested by all parties of record, it is hereby **ORDERED** and **DECREED** that Defendants' Motion is **GRANTED**.

IT IS HEREBY ORDERED that the Oral Argument on Defendants' Second Motion to Dismiss Plaintiff's First Amended Complaint now scheduled for January 15, 2025 at the Max Rosenn United States Courthouse in Wilkes-Barre, PA shall be digitally broadcasted *via* ACT, accessible only to the parties of record and shall not be recorded or otherwise published without prior leave of Court.

BY THE COURT:

J.
HON. JOSEPH F. SAPORITO, JR., J.